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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,707	03/29/2007	John A. Gelardi	CPG 03-49 MB	5081

38235 7590 05/04/2009  
MEADWESTVACO CORPORATION  
ATTN: IP LEGAL DEPARTMENT  
1021 Main Campus Drive  
Raleigh, NC 27606

EXAMINER
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DESAI, KAUSHIKKUMAR A

ART UNIT	PAPER NUMBER
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3728

NOTIFICATION DATE	DELIVERY MODE
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05/04/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketadministrator@mwv.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,707	<b>Applicant(s)</b> GELARDI, JOHN A.	
	<b>Examiner</b> KAUSHIKKUMAR DESAI	<b>Art Unit</b> 3728	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-23 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 7-12 and 24-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/2007, 11/07/2008</u> .                                  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-6, 13-23 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5019125 to Rebne et al, in view of US 5988429 to Coe.

As to claim 1, Rebne discloses a packaging system, comprising:

a tray (12, fig 2); a blister pack (34, fig 2) comprising a general access zone including a plurality of general access chambers (37-38), a restricted access zone including a plurality of restricted access chambers (39-40), and a chamber-free zone (area surrounded by 37, 38, 39 and 40, fig 2) including a guide slot (45) extending into said chamber-free zone, said general access zone and said restricted access zone being separated by said chamber-free zone (fig 2); Rebne lacks a blister retaining cap coupled to said tray for slidably securing said blister pack within said tray; and a hinging cap hinge ably mounted to said tray, said hinging cap controlling access to said restricted access zone. Coe teaches about the blister retaining cap (36, fig 1) and hinging cap (22) hinge ably (24) mounted to the tray. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide blister retaining cap and hinge ably mounted cap to the tray as claimed; such a modification would predictably

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provide easy access. Rebne also discloses a hinge cap in fig 6. "A combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int 'l v. Teleflex Inc.*, 127 S.Ct. 1731, 82 USPQ2d at 1396. Remember, It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. ***Ex parte Masham, 2 USPQ2d 1647 (1987).***

As to claim 2, Rebne discloses a tray (12) comprises a frame including end walls (17, 18), sidewalls (20, 21), and a mounting post (50) attached to said frame.

As to claim 3, Rebne discloses a tray includes at least one general access window (28, 29) corresponding in position with said general access chambers, and at least one restricted access window (30, 31) corresponding in position with said restricted access chambers.

As to claim 4, Rebne discloses each one of said plurality of general access chambers includes at least one general access item (42), and each one of said plurality of restricted access chambers includes at least one restricted access item (42).

As to claim 5, Rebne discloses a central guide post (51) extending through said guide slot.

As to claim 6, Rebne as modified in view of Coe discloses a blister retaining cap further includes a base (39) and walls (37) that form a hood, said hood covering the restricted access zone of said blister pack when said blister pack is in a first position.

As to claim 13, Rebne disclose in another embodiment an outer sleeve (211, fig 7) configured to receive tray, blister pack and capable of receiving a retaining cap and hinging cap.

As to claim 14, Rebne as modified above discloses an outer sleeve includes a first open end and a second open end (slide ably engaged, fig 7), such that when said tray is extended from said first open end the child-resistant hinging cap is accessible, and when said tray is extended from said second end the general access zone is accessible.

As to claim 15, Rebne modified in view of Coe discloses that a tray, said retaining cap, and said child-resistant hinging cap comprise a plastic material (summary).

As to claim 16, Rebne discloses that an access item comprises any one of a first medication (Abstract).

As to claim 17, Rebne discloses a blister pack (cartridge, 34), comprising: a general access zone including a plurality of general access chambers (37, 38), each one of said general access chambers including at least one general access item (42); a restricted access zone including a plurality of restricted access chambers (39, 40), each one of said restricted access chambers including at least one restricted access item (42); and, a chamber-free zone (area surrounded by 37, 38, 39 and 40) including a guide slot (45), said general access zone and said restricted access zone being separated by said chamber-free zone (fig 2).

As to claim 18, Rebne discloses an access items comprise a first medication (Abstract).

As to claim 19, Rebne discloses blister pack with a backing material (54, fig 4) affixed to the open side of said access chambers for securely enclosing said general access items within said general access chambers and said restricted access items within said restricted access chambers.

As to claim 20, Rebne modified in view of Coe discloses a method for packaging items as discussed above in rejection of claim 1

As to claim 21, Rebne modified in view of Coe discloses a method for packaging items as discussed above in rejection of claims 20 and 4.

As to claim 22, the claim limitations are the combination of claims 21 and 19, therefore, the 103 rejection of claim has been discussed above.

As to claim 23, the claim limitations are the combination of claims 22 and 2, therefore, the 103 rejection of claim has been discussed above.

As to claim 28, the claim limitations are the combination of claims 1 and 18, therefore, the 103 rejection of claim has been discussed above.

As to claim 29, Rebne modified in view of Coe discloses a method for packaging items as discussed above in rejection of claim 17.

As to claim 30, Rebne modified in view of Coe discloses a method for packaging items as discussed above in rejection of claim 18.

As to claim 31, Rebne modified in view of Coe discloses a method for packaging items as discussed above in rejection of claim 19

As to claim 32, Rebne modified in view of Coe discloses a method for packaging items as discussed above in rejection of claim 3 and 19.

### ***Allowable Subject Matter***

3. Claims 7 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Dependent claims 8-12 and 25-27 would also then be allowable.

### ***Conclusion***

4. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

5. **Prior Art not relied upon:** Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAUSHIKKUMAR DESAI whose telephone number is (571)270-7290. The examiner can normally be reached on Monday- Friday 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KAUSHIKKUMAR DESAI/  
Examiner, Art Unit 3728

/Bryon P. Gehman/  
Primary Examiner, Art Unit 3728

/K. D./  
Examiner, Art Unit 3728  
May 1, 2009